

IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

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IN RE: BAIR HUGGER FORCED AIR      MDL No.: 15-md-02666 (JNE/FLN)  
WARMING PRODUCT LIABILITY  
LITIGATION

This Document Relates To:

WILLIAM SELLERS,

Civil Action No.: 17-CV-01879-JNE-FLN

Plaintiff,

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**DECLARATION OF SAMANTHA RODRIGUEZ IN SUPPORT OF  
PLAINTIFF'S RESPONSE TO DEFENDANTS' MOTION TO DISMISS**

I, Samantha Rodriguez, declare as follows:

1. I am an attorney at Kennedy Hodges, LLP and Counsel for Plaintiff William Sellers in the above-captioned matter.
2. I submit this affidavit in opposition to Defendants' Motion to Dismiss for Failure to Comply with Pretrial Order No. 14 filed on January 4, 2018.
3. Mr. Sellers contacted Kennedy Hodges, LLP in June of 2015 regarding injuries that were allegedly caused by the Bair Hugger patient warming device.
4. Medical records and billing records pertaining to Mr. Seller's treatment were obtained by Kennedy Hodges through its third party medical records retrieval company. Those records demonstrate use of a Bair Hugger device during his original orthopedic surgery.

5. This case was filed on June 5, 2017 to comply with the statute of limitations deadline.
6. Numerous phone calls were placed to Mr. Sellers by staff at Kennedy Hodges in attempt to reach him and obtain information for the Plaintiff Fact Sheet. These calls were made in June, July, and August of 2017, prior to the original deadline for submission of the Plaintiff Fact Sheet.
7. Additionally, several letters and emails have been sent to Mr. Sellers since his case was filed, requesting that he contact our office.
8. Based on information and belief, Mr. Sellers has not made any attempt to contact Kennedy Hodges in response to these phone calls, letters, and emails in order to provide the information necessary to complete the Plaintiff Fact Sheet.
9. As we have been unable to obtain the additional information necessary to complete the Plaintiff Fact Sheet for this claim, we have not been able to cure the alleged deficiencies pertaining to the Plaintiff Fact Sheet that has been submitted for this case.

Pursuant to 28 U.S.C. § 1746(2), I declare under penalty of perjury that the foregoing is true and correct.

January 11, 2018

/s/ Samantha Rodriguez  
Samantha Rodriguez